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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,743	10/10/2003	L. Murray Dallas	15912/09033	2843

27530 7590 08/17/2005

NELSON MULLINS RILEY & SCARBOROUGH, LLP  
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EXAMINER
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NEUDER, WILLIAM P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/683,743

**Applicant(s)**

DALLAS, L. MURRAY

**Examiner**

William P. Neuder

**Art Unit**

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-11 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/10/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: On page 8, line 3; it is believed "Fig. 2" should be --Fig. 7--, line 30, "Fig. 3" should be --Fig. 1--, line 31, "central portion 21" should be --central portion 22-, and line 32, "lower portion 22" should be --lower portion 23--. On page 9, line 2, "Fig. 3" should be --Fig. 1--. Page 12, line 13, "Fig. 8" should be --Fig. 7--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillespie et al 2233077.

Gillespie discloses a well stimulation tool for stimulating a well (figure 1). Well stimulation mandrel 6 has threads on its lower end for engaging threads on the upper end of tubing mandrel 7 that carries tubing string 8. The central passages provided through the stimulation mandrel has a diameter larger than a backpressure plug that would engage inner threads on member 7. Claim 1 does not call for a backpressure plug. There is no specific diameter set forth. Any tool having a central flow bore would be seen to read on the limitation concerning the diameter of the backpressure plug. As

to claim 2, member 7 is an adapter pin that connects the mandrel 6 to the tubing 8. The diameter of the adapter pin at its narrowest point is greater than the outer diameter of a backpressure plug. As to claim 12, the diameter is large enough to permit a backpressure plug to be reciprocated there through. As to claim 13, member 7 is an adapter pin and the pin has a diameter large enough for a backpressure plug to be reciprocated there through. As to claim 14, both the mandrel 6 and adapter pin 7 have diameters large enough for a backpressure pin to be reciprocated there through.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Dallas 6220363.

Dallas discloses a well stimulation tool mandrel 20. Threads 46 are provided on the mandrel to engage threads of tubing mandrel 36. Tubing string 28 is supported by mandrel 36. Axial bores are provided through the mandrels that are large enough to permit a backpressure plug to be pumped through the mandrels.

***Allowable Subject Matter***

Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6-11 and 15 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Neuder whose telephone number is 571-272-7032. The examiner can normally be reached on Tuesday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William P Neuder  
Primary Examiner  
Art Unit 3672

W.P.N.